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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,728	01/06/2006	William Wesley Martin	UDL36.001APC	2025
20995	7590	02/08/2008	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614		KNIGHT, DEREK DOUGLAS		
		ART UNIT		PAPER NUMBER
		3681		
			NOTIFICATION DATE	
			DELIVERY MODE	
			02/08/2008	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/555,728	MARTIN, WILLIAM WESLEY	
	Examiner	Art Unit	
	DEREK D. KNIGHT	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 January 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-25 is/are rejected.
 7) Claim(s) 2,16 and 21 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 07 November 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/07/2005</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

1. Claims 2, 16, and 21 are objected to because of the following informalities:
 - a. Claim 2, Line 1: "wherein selector" should be --wherein the selector--
 - b. Claim 2, Line 5: "and the second set" should be --and the first set--
 - c. Claim 16, Line 4: "first set engagement" should be --first set of engagement--
 - d. Claim 16, Line 5: "second set engagement" should be --second set of engagement"
 - e. Claim 21, Line 3: Examiner is interpreting "at least one radially deformable" to be --at least one resiliently deformable--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-13, 14-19, and 21-23 rejected under 35 U.S.C. 102(b) as being anticipated by **THOMAS (US 3,780,840)**.

THOMAS discloses a transmission system comprising first (21) and second (13) rotatable shafts, and means for transferring drive from one of the shafts to the other shaft comprising first (27) and second (29) gear wheels each rotatably mounted on the

first shaft and having drive formations (52) formed thereon, a selector assembly (comprising annular flange (64) and the drive formations (52)) for selectively transmitting torque between the first shaft (21) and the first gear (27) wheel and between the first shaft and the second gear wheel (29), wherein the selector assembly comprises an actuator assembly (not shown, but inherent to the system) and first and second sets of engagement members (36 & 37) that are moveable into and out of engagement with the first and second gear wheels independently of each other.

Regarding Claim 7: **THOMAS** discloses the drive formations on the first and second gear wheels comprising a first and second groups of dogs (not numbered, but springs (54) are resting against the dog members) respectively. See Fig. 6 of **THOMAS**.

Regarding Claims 8 and 9: **THOMAS** discloses the first and second groups of dogs each comprising between two and eight dogs, and preferably three dogs, evenly distributed on the first and second gears respectively. See Fig. 6 of **THOMAS**.

Regarding Claim 10: **THOMAS** discloses the first and second sets of engagement members (36 & 37) comprising between two and eight members. See Fig. 13 of **THOMAS**.

Regarding Claim 11: **THOMAS** discloses the first and second sets of engagement members (36 & 37) comprising between two and four members (43); see Fig. 13 of **THOMAS**.

Regarding Claim 12: **THOMAS** discloses the first shaft (21) comprising keyways (41) arranged such that the first and second sets of engagement members can

slide axially along the keyways (via sleeve (38)) and to radially restrain the positions of the sets of engagement members.

Regarding Claim 13: **THOMAS** discloses the cross-section of the keyways as slotted (splined).

Regarding Claims 14 - 17, 19: **THOMAS** discloses the actuator assembly comprising at least one resiliently deformable means (47) arranged to move at least one of the first and second sets of engagement members into engagement with the first and second gear wheels when the engagement members are in unloaded conditions.

The at least one resiliently deformable means (47) is arranged to bias at least one of the first and second sets of engagement members (36 &37) towards the first or second gear wheel when the engagement members are drivingly engaged with a gear wheel.

The actuator assembly comprising first and second resiliently deformable means (47) connected to the first and second sets of engagement members (36 &37) respectively such that the first resiliently deformable means acts on the first set of engagement members and the second resiliently deformable means acts on the second set of engagement members. See Fig. 13 of **THOMAS**.

The resiliently deformable means (43) is a spring.

Regarding Claim 18: **THOMAS** discloses the members (43) of the first and / or second sets of engagement members (36 & 37) can perform limited axial movement relative to each other in the keyways.

Regarding Claim 21: THOMAS discloses the actuator assembly comprising a fork (66) that is arranged to engage the at least one resiliently deformable means (47) to move the at least one resiliently deformable means axially along the first shaft.

Regarding Claim 22: THOMAS discloses the drive formations (52) being arranged such that they do not extend beyond the outside diameter of the gear wheels.

Regarding Claim 23: THOMAS discloses the first and second groups of dogs each comprise three dogs; see Fig. 6 of THOMAS.

Regarding the functional limitations the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. See MPEP 2114.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 and 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over **THOMAS (US 3,780,840)**.

THOMAS discloses the claimed invention except for the backlash being less than or equal to four degrees when moving between acceleration and deceleration, and the engagement members (36 & 37) comprising three members. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to limit the backlash to such a range and to for the engagement members to have three members, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

4. **Claim 25** rejected under 35 U.S.C. 103(a) as being unpatentable over **THOMAS (US 3,780,840)** as applied to claims 1-6, 7-12, 14-19, and 21-23 above, and further in view of **THOMAS (US 4,098,380)**.

THOMAS _840 discloses a transmission system having resiliently deformable means (47) which are springs.

THOMAS _840 does not disclose the springs being disc springs.

THOMAS _380 teaches a transmission system having resiliently deformable means as disc springs (76)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the springs of **THOMAS _840** to be disc springs in view of **THOMAS _380** in order to save space within the transmission system, because disc springs occupy less axle space than coil springs allowing for a more compact, space-saving design.

5. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over **THOMAS (US 3,780,840)** in view of **THOMAS (US 4,098,380)** as applied to claim 25 above, and further in view of **VOLKER et al. (US 7,261,379)**.

The combination of THOMAS - THOMAS discloses a disc spring within a transmission system.

The combination of THOMAS - THOMAS does not disclose the disc spring comprising a plurality of arms, each arm having a first part that extends circumferentially around a portion of the disc spring and a second part that extends substantially radially inwards.

VOLKER teaches a disc spring (100) having a plurality of arms (101), each arm having a first part that extends circumferentially around a portion of the disc spring and a second part that extends substantially radially inwards.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disc spring of the combination of THOMAS - THOMAS such that the disc spring would have arms in view of VOLKER to reduce the weight, and achieve various spring characteristics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEREK D. KNIGHT whose telephone number is (571)272-7951. The examiner can normally be reached on Mon - Thurs & every other Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D. K./
Examiner, Art Unit 3681

/Richard Ridley/
Supervisory Patent Examiner, Art Unit 3682